

§ 103(a) Rejection – Roustaei, Moore

Claims 5, 11, and 14 have been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Application Publication 2001/0034222 (Roustaei; newly cited by the examiner) in view of WO 02/41101 (Moore; previously cited in an IDS).

In the present invention, encoded data in a body portion is optically imaged by a code-reading terminal, and is appropriately read and reproduced based on the type of the data. A data identifier is used to determine how data in a body portion is to be read and reproduced (see for example Fig. 4). In an example embodiment, if the data identifier is “00” or “ff” the type of data in the body portion is not text data, and thus the header following the data identifier is read (step S11). Subsequently, a series of process steps are carried out resulting in reproducing a ring tone (step S25). If, however, the data identifier does not have a prescribed value, the data is determined to be text data and the text data is displayed (step S7).

This aspect is covered, for example, in claim 5, which recites “a control unit that reads the contents of said encoded data in a manner suited for the type of data estimated by said data identifying unit and reproduces the thus read data.”

A further aspect of the present invention is a capability of imaging encoded data including a header portion and a body portion, the header portion including the data identifier. In an example embodiment of the present invention, a data structure such as that shown in Fig. 3 is encoded as a two-dimensional code (examples shown in Figs. 6 and 7). A camera of a preferred embodiment is capable of imaging the two-dimensional code (see Fig. 1).

Thus, the data identifier of the claimed invention is encoded together with other information in the header portion and the body portion. In order to perform the appropriate reading and reproduction of the data in the body portion, the encoded data identifier that had been imaged by an imaging device is recognized based on the original image.

The Rejection Fails to Address the Claimed “data identifying unit” and “control unit” and associated functions/steps

The Office Action alleges that Roustaei teaches a cellular phone (claimed cellular phone) comprising a high resolution imager accessory 31 (claimed code-reading terminal), a display window 35 for viewing the captured image, as well as a speaker 36 and microphone 37. The Office Action alleges that Roustaei teaches that when a bar code image application is selected, the sensor image is processed by determining the area in the image containing the bar code, identifying the type of code in the bar code and decoding the code in the bar code (referring to para. 0038). **Fig. 8** of Roustaei, which shows the steps that are alleged in the Office Action, is provided below. The associated steps are described in paragraph 0044.

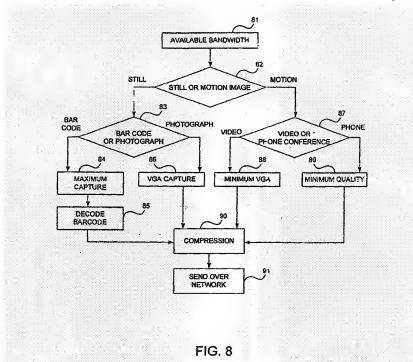


FIG. 8

Applicants submit that although Roustaei appears to disclose a capability of reproducing the captured image (e.g., “Bar Code”), Roustaei does not teach at least a data identifier included in the bar code, and accordingly, does not teach the claimed “data identifier unit,” and “control unit,” as recited in claim 5. The same deficiency applies as well to claims 11 and 14.

Furthermore, the Office Action does not point out where in Roustaei the claimed elements of “data identifying unit that recognizes said data identifier...,” “and “control unit that reads the contents of said encoded data in a manner suited for the type of data estimated by said data identifying unit and reproduces the thus read data,” are disclosed.

Moore Fails to Make Up for the Deficiency in Roustaei of Failing to Disclose “the specific format of the bar code...”

The Office Action admits that Roustaei fails to disclose “the specific format of the bar code, wherein the bar code includes a header code (an identifier) for identifying the type of data contains in the body so as to appropriately read/decode the code.”

Instead, the Office Action relies on Moore for making up for this deficiency.

Applicants submit that Moore fails to make up for the deficiency of Roustaei of failing to disclose the specific format of the bar code, wherein the bar code includes a header code. In particular, Applicants submit that Moore does not to disclose a bar code.

Rather, Moore is directed to a method and system for transmitting data with enhanced security that conforms to a network protocol (Title). An objective in Moore is to provide a method and system for reducing network capacity by transmitting information in unsupported formats using existing network protocols. As an example, Moore teaches encrypting binary data (i.e. and unsupported format) and encoding the data into a standard HTTP format. An unencrypted, character-based packet identifier 510 indicates the type of data as binary data (Moore at page 10, under “Method”). As a further example, Moore teaches encoding data into “pair value” format compatible with standard HTTP GET/POST methods. The example encoded format is

“PacketIdentifier=DataIdentifier&EncryptedData=IntegrityData” (Moore at page 13). Applicants submit that Moore’s “PacketIdentifier” is not disclosed as a bar code.

Furthermore, Applicants submit that Moore is specifically directed to sending data in a format suitable for existing network protocols. Moore does not disclose a network protocol that

works with a bar code image as a suitable format. Similar to the example binary data of Moore, Applicants submit that a bar code would at most be encoded in one of the example formats suitable for existing network protocols. In any case, Moore fails to disclose “the specific format of the bar code, wherein the bar code includes a header code (an identifier) for identifying the type of data contains in the body so as to appropriately read/decode the code,” and subsequently fails to make up for the deficiency in Roustaei.

Roustaei and Moore do not teach optically imaging ASCII data, or at least recognizing optically imaged character data, and recognizing the optically imaged data

The Office Action alleges that Moore teaches a data segment 500 comprising an ASCII packet identifier 510 indicating the type of data encrypted in the third segment 530 (body of data) and an unencrypted binary data identifier 520 used to identify the encryption key used to encrypt the data packet.

Applicants submit that one of ordinary skill in the art would understand that neither an ASCII packet identifier nor a binary data identifier constitute a bar code.

In any case, Applicants submit that Roustaei and Moore, either alone or in combination, do not teach optically imaging ASCII data, or at least recognizing optically imaged character data, and recognizing the optically imaged data.

For at least these reasons, Applicants submit that the rejection fails to establish *prima facie* anticipation. Accordingly, Applicants request that the rejection be reconsidered and withdrawn.

§ 103(a) Rejection – Arai, Moore

Claims 5, 8, 9, 11, and 14-18 have been rejected under 35 U.S.C. 103(a) as being unpatentable over JP 2002-125008 (Arai) in view of Moore. Applicants respectfully traverse this rejection. Note that Applicants identify JP 2002-125008 by the name of the inventor, rather than “Kokai,” which is a general term associated with Japanese documents.

The Office Action relies on Arai for teaching a method of registering ring tone data by using a cellular phone having a camera to read a two-dimensional code, and extracting information contained in the image. The Office Action admits that Arai fails to disclose that the code includes a header code (an identifier) for identifying the type of data contained in the body so as to appropriately read the code.

Instead, similar to the above stated rejection, the Office Action alleges that Moore makes up for the deficiency of failing to disclose that the [two-dimensional] code includes a header code (an identifier) for identifying the type of data contained in the body.

Similar to the Case in the Above Rejection, The Rejection Fails to Address the Claimed “data identifying unit” and “control unit” and associated functions/steps

The rejection does not indicate where in either of the cited references, the claimed “data identifier unit” and “control unit” and associated claimed functions/steps are disclosed.

Moore Fails to Make Up for the Deficiency in Arai of Failing to Disclose “the [two-dimensional] code includes a header code (an identifier)...”

The Office Action admits that Arai fails to disclose that the code includes a header code (an identifier) for identifying the type of data contained in the body so as to appropriately read the code.

Again, the Office Action relies on Moore for making up for this deficiency.

Applicants submit that Moore fails to make up for the deficiency of Arai of failing to disclose that the [two-dimensional] code includes a header code (an identifier) for identifying the type of data contained in the body so as to appropriately read the code.

Rather as mentioned above, Moore is directed to a method and system for transmitting data with enhanced security that conforms to a network protocol (Title). An objective in Moore is to provide a method and system for reducing network capacity by transmitting information in unsupported formats using existing network protocols. As an example, Moore teaches encrypting binary data (i.e. and unsupported format) and encoding the data into a standard HTTP format. An

unencrypted, character-based packet identifier 510 indicates the type of data as binary data (Moore at page 10, under “Method”). As a further example, Moore teaches encoding data into “pair value” format compatible with standard HTTP GET/POST methods. The example encoded format is “PacketIdentifier=DataIdentifier&EncryptedData=IntegrityData” (Moore at page 13). Applicants submit that Moore does not disclose encoding data as a two-dimensional code.

Furthermore, Applicants submit that Moore is specifically directed to sending data in a format suitable for existing network protocols. To Applicants knowledge, there are no existing network protocols that consider a two-dimensional code image as a suitable format. Similar to the example binary data of Moore, Applicants submit that a two-dimensional code would at most be encoded in one of the example formats suitable for existing network protocols. In any case, Moore fails to disclose “the [two-dimensional] code includes a header code (an identifier) for identifying the type of data contained in the body so as to appropriately read the code,” and subsequently fails to make up for the deficiency in Arai.

Arai and Moore do not teach optically imaging ASCII data, or at least recognizing optically imaged character data, and recognizing the optically imaged data

As in the rejection based on Roustae, the Office Action alleges that Moore teaches a data segment 500 comprising an ASCII packet identifier 510 indicating the type of data encrypted in the third segment 530 (body of data) and an unencrypted binary data identifier 520 used to identify the encryption key used to encrypt the data packet.

Applicants submit that one of ordinary skill in the art would understand that neither an ASCII packet identifier nor a binary data identifier constitute a bar code.

In any case, Applicants submit that Arai and Moore, either alone or in combination, do not teach optically imaging ASCII data, or at least recognizing optically imaged character data, and recognizing the optically imaged data.

For at least these reasons, Applicants submit that the rejection fails to establish *prima facie* anticipation. Accordingly, Applicants request that the rejection be reconsidered and withdrawn.

In view of the above, each of the claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

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